

Town Board Minutes
(Municipal Review Committee)

Meeting
No. 3

Special Meeting

January 20, 2004

Town Board Minutes

January 20, 2004

Meeting No. 3

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 20th day of January 2004, at 6:30 PM and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
REBECCA ANDERSON, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
MICHAEL MYSZKA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT: STEVEN SOCHA, PLANNING BOARD MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for two (2) actions.

IN THE MATTER OF THE SEQR REVIEW OF

KULBACKI OFFICE BUILDING

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Kulbacki Office building rezone matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER STEMPNIAK, WHO MOVED
ITS ADOPTION, SECONDED BY PLANNING
BOARD MEMBER GOBER, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
KULBACKI OFFICE BUILDING
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an Unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately .64 acres.

The location of the premises being reviewed is situated on the south side of Como Park Blvd, west of the intersection of Como Park Blvd and Penora Street, Lancaster, County of Erie, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, *has specifically noted that those comments rendered by Mr. Christopher J. Sansone, Environmental Planner, County of Erie, in his communication to Mr. Richard J. Sherwood, Town Attorney, dated December 8, 2003 have each been considered by the Municipal Review Committee and have been determined to be not significant.*

The Municipal Review Committee has further found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is not required; however, best management practices are required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action may have a small to moderate impact on threatened or endangered species. It is noted that:
 - a.) *This Committee has determined that this site has been previously disturbed.*
 - b.) *Herbicides or pesticides may be applied for purposes of lawn care.*
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action may have a small to moderate impact on a site or structure of historic, pre-historic or paleontological importance. *It is noted, however, that the site is relatively remote from the banks of Cayuga Creek, the location of prime paleontological importance. This site has been previously disturbed; the land has been farmed and was also used as an airfield in the early 20th century.*

13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate impact on the character of the existing community. *It is noted that there will be a small to moderate change in the density of land use as well as a small to moderate increase in demand for police and fire services. A small number of jobs are likely to be created.*
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

January 20, 2004

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

January 20, 2004

IN THE MATTER OF THE SEQR REVIEW OF THE

COLUMBIA GARDENS SUBDIVISION

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Columbia Avenue Subdivision matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER SZYMANSKI
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
COLUMBIA GARDENS SUBDIVISION
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an Unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 21± acres.

The location of the premises being reviewed is 556 Columbia Avenue, Lancaster, County of Erie, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, *has specifically noted that those comments rendered by Mr. Thomas Dearing, Community Planning Coordinator, County of Erie, in his communication to Mr. Richard J. Sherwood, Town Attorney, dated December 10, 2003 have each been considered in detail by the Municipal Review Committee. It is also the recommendation of the Municipal Review Committee that the Town of Lancaster and the Village of Depew engage in joint discussions for the purpose of municipal service coordination.*

The Municipal Review Committee has found the proposed action impacts to be as follows:

1. The proposed action will have a small to moderate impact on the physical characteristics of the project site. *It is noted that:*
 - a.) *Construction to be on land where it is estimated that the depth to the perched water table ranges from 0.5 feet to 3.0 feet. This will need to be considered during construction of the dwellings.*
 - b.) *Construction that may continue for more than one (1) year or involve more than one (1) phase or stage.*
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity. *It is noted that:*
 - a.) *A State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.*
 - b. *The total anticipated water usage per day is estimated to be 25,200± gallons.*
6. The proposed action will have a small to moderate impact on drainage flow patterns or surface water runoff. *The action is expected to change flood water flows in a manner that is anticipated to be beneficial to downstream areas.*
7. The proposed action will not affect air quality.
8. The proposed action may have a small to moderate impact on threatened or endangered species. *It is noted that herbicides and/or pesticides may be used more than twice a year for lawn care purposes.*
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.

11. The proposed action will not affect aesthetic resources.
12. The proposed action may have a small to moderate impact on a site or structure of historic, pre-historic or paleontological importance. *It is noted that the action may occur in an area designated as sensitive for archaeological sites on the New York State Site Inventory. The Committee has determined that the site is relatively remote from mainstream Scajaquada Creek which is considered to be of prime importance.*
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will have a small to moderate impact on existing transportation systems. *It is noted that there will be a small to moderate alteration of present patterns of movement of people.*
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate impact on the character of the existing community. *It is noted that:*
 - a.) *There will be a change in the density of land use.*
 - b.) *There will be additional demand for school, police and fire services.*
 - c.) *Employment will increase during construction.*
20. There may be public controversy related to potential adverse environmental impacts.

s/s _____

SEAL

Robert H. Giza, Supervisor

Town of Lancaster

January 20, 2004

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

January 20, 2004

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPNIAK AND SECONDED
BY COUNCIL MEMBER AMATURA FOR ADJOURNMENT OF THE MEETING which
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 7:19 P.M.

Signed 
Johanna M. Coleman, Town Clerk

Town Board Minutes

Meeting No. 4

Regular Meeting

January 20, 2004

Town Board Minutes

January 20, 2004

Meeting No. 4

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 20th day of January 2004 at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
CHRISTINE FUSCO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

PERSONS ADDRESSING TOWN BOARD:

Sherry, Tim, 62 Rehm Road, spoke to the Town Board on the following matter:

- Asks that the Town Board not approve the Special Use Permit for Onyx Environmental Services, LLC. Suggests that the Town Board engage specialists in this area to assist in determination. Also asks that the Town Board place restrictions such as a sprinkler and special drainage. Requests an exhaustive study be done on the project

Wallace, Monica, 47 Rehm Road, spoke to the Town Board on the following matter:

- Asks the Town Board to do a study before making a determination on the Special Use Permit for Onyx Environmental Services LLC. Asks that the Town Board request a list of substances to be stored. Stated that it is too close to a residential area and is incompatible with the surrounding area.

Shepherd, Brian, 43 Whitestone Lane, spoke to the Town Board on the following matter:

- Stated that he is opposed to proposed location of Onyx Environmental Services LLC.

Cipolla, Joseph, 35 Hillside Pkwy, spoke to the Town Board on the following matter:

- Advised the Town Board about the proposal to lease storage space to Onyx Environmental for storage of Hazardous waste. Mr. Cipolla owns the property proposed to be leased by Onyx Environmental Services LLC.

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matter:

- Comments and questions about Town's policy on storage of hazardous waste.

Gull, Hank, 710 Pavement Road, spoke to the Town Board on the following matters:

- Questioned why the Town would use outside counsel for defense of a law suit. The Town Attorney replied that the Town's insurance carrier has denied coverage and he personally does not have the necessary expertise in that area of law.
- Comments in favor of the Special Use Permit resolution for Onyx Environmental.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matters:

- Approves of the Town's website proposal.
- Proposes denial of rezone petition for William Street.
- Comments about reaffirmation of building permits vs. approval of building permits.
- Questions about source of funding for lawsuits against Town of Lancaster.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:34 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Map of the Town of Lancaster as petitioned by Theodore Kulbacki, rezoning SBL No. 115.01-2-2.12 on the south side of Como Park Blvd from a R-2, Residential District Two, to RCO Residential Commercial Office.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Ralph Lorigo, Attorney representing the petitioner		Proponent
Robert Smith	1762 Como Park Blvd	Questions/Proponent

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC HEARING, by voice vote, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:44 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

January 20, 2004

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board held on January 1, 2004 and the minutes from the Special Meeting of the Town Board held on January 5, 2004 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER AMATURA, TO WIT:

WHEREAS, the General Crew Chief of the Department of Parks, Senior Facility and Buildings & Grounds of the Town of Lancaster, by letter dated December 26, 2003, has recommended the upgrading of both Carmen Ciccarelli and Richard Marino from Laborer Aides to the position of Laborer.

NOW, THEREFORE, BE IT

RESOLVED, that Carmen Ciccarelli, 809 Eric Street, Lancaster, New York and Richard Marino, 14 Wayne Street, Depew, New York be and are hereby appointed to the position of Laborer in the Department of Parks, Senior Facility and Buildings & Grounds of the Town of Lancaster at a salary of \$20.14 per hour, in accordance with the CSEA White Collar Schedule of Salaries adopted by the Town Board January 1, 2004, with the appointment effective January 20, 2004, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

File: RPERS.UPG (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

WHEREAS, Justices Timothy Dwan and J. Michael Kelleher, of the Justice
Department of the Town of Lancaster have requested the creation of one (1) position of Court
Officer/Bailiff, part time in the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby
authorized to complete and submit Form PO-17 (New Position Duties Statement) to create one (1)
position of Court Officer/Bailiff, part time in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

File: RPERS.CRE (P10)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

RESOLVED, that the following individual be and is hereby appointed member of
the Town of Lancaster Recreation Commission, effective January 1, 2004 to December 31, 2008:

Daniel Rinow
149 Hinchey Avenue
Lancaster, New York 14086

The question of the adoption of the following resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

File: RPERS.BD (P5)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town of Lancaster seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to retain a consultant to conduct a Business Process Analysis for the purpose of improving the management of Police Department files.

NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Education Department State Archives for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Supervisor and Town Clerk be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town of Lancaster seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to retain a consultant to design and establish an official Town website.

NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Education Department State Archives for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Supervisor and Town Clerk be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIK, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department has requested a change of venue for conduct of Elections and Primaries for Election District No. 30 from the Town Line Fire Hall substation on Cemetery Road, Lancaster to the main Town Line Fire Hall, located at 6503 Broadway, Lancaster which is presently being used for conduct of Elections and Primaries for District No. 's 18 and 31 and is handicapped accessible, and

WHEREAS, the Town Clerk is desirous to accommodate the Town Line Volunteer Fire Department in their request.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 4-104 of the Election Law of the State of New York, this Town Board hereby designates the following Polling Places in each Election District of the Town of Lancaster for the conduct of Elections and Primaries during the year 2004 along with the desired change of venue for polling district No 30:

ELECTION

DIST.

POLLING PLACE

- | | |
|----|---|
| 1 | Town Hall, 21 Central Ave., Lancaster, N.Y. |
| 2 | Court Street School, 91 Court St., Lancaster, N.Y. |
| 3 | Court Street School, 91 Court St., Lancaster, N.Y. |
| 4 | Como Park School, 1985 Como Park Blvd., Lancaster, N.Y. |
| 5 | Como Park School, 1985 Como Park Blvd., Lancaster, N.Y. |
| 6 | Lancaster Middle School, 148 Aurora St., Lancaster, N.Y. |
| 7 | Lancaster Municipal Building, 5423 Broadway, Lancaster, N.Y. |
| 8 | St. Mary's High School, 142 Laverack Ave., Lancaster, N.Y. |
| 9 | Fire Hall, 16 W. Drullard Ave., Lancaster, N.Y. |
| 10 | Central Avenue School, 149 Central Ave., Lancaster, N.Y. |
| 11 | Fire Hall, 45 Meridian St., Depew, N.Y. |
| 12 | Fire Hall, 45 Meridian St., Depew, N.Y. |
| 13 | Depew Municipal Building, 85 Manitou St., Depew, N.Y. |
| 14 | North Side Fire Hall, 112 Brewster St., Depew, N.Y. |
| 15 | SS. Peter & Paul School, 52 Burlington Ave., Depew, N.Y. |
| 16 | Sacred Heart School, 5337 Genesee St., Bowmansville, N.Y. |
| 17 | Town Court Building, 525 Pavement Rd., Lancaster, N.Y. |
| 18 | Town Line Fire Hall, 6503 Broadway, Lancaster, N.Y. |
| 19 | Historical Schoolhouse, 3703 Bowen Rd., Lancaster, N.Y. |
| 20 | Twin District Fire Hall, 4999 William St., Lancaster, N.Y. |
| 21 | North Side Fire Hall, 112 Brewster St., Depew, N.Y. |
| 22 | Substation, Bowmansville Fire Hall, 158 Seitz Ave., Lancaster, N.Y. |
| 23 | Lancaster Middle School, 148 Aurora St., Lancaster, N.Y. |
| 24 | Lancaster Village Dept. of Public Works, 5200 Broadway, Lancaster, N.Y. |
| 25 | Lancaster Senior High School, 1 Forton Dr., Lancaster, N.Y. |
| 26 | SS. Peter & Paul School, 52 Burlington Ave., Depew, N.Y. |
| 27 | Lancaster Senior High School, 1 Forton Dr., Lancaster, N.Y. |
| 28 | Sacred Heart School, 5337 Genesee St., Bowmansville, N.Y. |
| 29 | Bus Garage, Lanc. School Dist., 295 Pleasant View Dr., Lancaster, N.Y. |
| 30 | Town Line Fire Hall, 6503 Broadway, Lancaster, N.Y. |
| 31 | Town Line Fire Hall, 6503 Broadway, Lancaster, N.Y. |
| 32 | Twin District Fire Hall, 4999 William St., Lancaster, N.Y. |
| 33 | Cayuga Heights School, 1780 Como Park Blvd., Lancaster, N.Y. |
| 34 | Cayuga Heights School, 1780 Como Park Blvd., Lancaster, N.Y. |
| 35 | Twin District Fire Hall, 4999 William St., Lancaster, N.Y. |
| 36 | Lancaster Senior Center, 100 Oxford Ave., Lancaster, N.Y. |
| 37 | Twin District Fire Hall, 4999 William St., Lancaster, N.Y. |
| 38 | William Street School, 5201 William Street, Lancaster, N.Y. |
| 39 | William Street School, 5201 William Street, Lancaster, N.Y. |
| 40 | William Street School, 5201 William Street, Lancaster, N.Y. |
| 41 | Townview Apartments Community Center, 50 Grambo Dr., Lancaster, N.Y. |
| 42 | Townview Apartments Community Center, 50 Grambo Dr., Lancaster, N.Y. |
| 43 | Town Court Building, 525 Pavement Rd., Lancaster, N. |
| 44 | Hillview School, Transit Rd. & Pleasantview Dr., Lancaster, N.Y. |

The question of the adoption of the following resolution was duly put to a vote on roll
li which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

File: RPOLLPL (1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated January 11, 2004, has requested the addition of the following individuals to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Town Line Volunteer Fire Department the following individuals:

ADDITIONS:

Stephen D. Coffed
23 Pearl Street
Lancaster New York

Erik D. Tarver
52 Gatewood Lane
Williamsville, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER RUFFINO, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

WHEREAS, Windsor Ridge Partnership, 2635 Millersport Highway, Getzville, New York, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Windsor Ridge Subdivision, Phase V, Pt. II, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 580, 581 and 582 of Windsor Ridge Partnership, 2635 Millersport Highway, Getzville, New York, for the installation of:

P.I.P. No. 580
(Pavement & Curbs)

Construction of Windsor Ridge Phase V, Pt II on Beatrix Circle, 38,950 S.F. of pavement (28' wide) w/8" subbase, 4" NYSDOT Type 7 Base, 2" NYSDOT Type 3 binder, 1" NYSDOT Type 7 top, 2,650 L.F. of 6" H.D.P.E. (perforated) underdrain, 2,424 L.F. of 20" Type "BB" conc. curbing, 175 L.F. of 24" up-right conc. Island curbing, 710 S.F. of conc. sidewalk (inside island).

P.I.P. No.581
(Storm Sewer)

Construction of Windsor Ridge Phase V, Pt. II on Beatrix Circle, 160 L.F. of 15" H.D.P.E., 340 L.F. Of 12" H.D.P.E., 140 L.F. 12" R.C.P., 260 L.F. 10" H.D.P.E., 680 L.F. 8" P.V.C., 180 L.F. 6" P.V.C., 2 ca. 48" dia. manholes, 7 ca. std. road receivers, 4 ca. light duty receivers and 9 ca. rear yard receivers.

P.I.P. No. 582
(Water Line)

Construction of Windsor Ridge Phase V, Pt. II on Beatrix Circle, 1,225 L.F. of 8" P.V.C. (C-900) waterline, 140 L.F. of 8" D.I.P. (Class 52) waterline, (2) hydrant assemblies, (2) 8" line valve assemblies, (1) 2" blow-off.

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, Trautman Associates has provided the Town with a proposal for the engagement of its services to complete the schematic design phase of the renovation of the building located at 3949 Walden Avenue which will become a multi-use building for police, court and other Town uses, and

WHEREAS, the Town Board has reviewed the proposal submitted by Trautman Associates and deems it to be in the public interest to enter into an agreement to engage its services as outlined in the proposal.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to enter into an agreement with Trautman Associates to provide services to the Town of Lancaster for the schematic design phase of the renovation of the building at 3949 Walden Avenue, Lancaster, New York pursuant to the terms of the proposal submitted.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Highway Superintendent has submitted a proposed Agreement to the Town Board of the Town of Lancaster for the expenditure of highway funds for the year 2004, pursuant to the requirements of the Highway Law of the State of New York, and

WHEREAS, the Highway Superintendent has advised that the allocation of money in the proposed Agreement for general repairs to be carried out includes the cost of labor and materials, and

WHEREAS, the Town Board of the Town of Lancaster has reviewed the proposal by the Highway Superintendent.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster does hereby authorize the execution of the proposed Agreement to Spend Town Highway Funds for the year 2004, as submitted by the Superintendent of Highways.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

File: rhwyfnds104

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore annually authorized the administration of a Tree Planting Program for the purpose of beautifying the rights-of-way of public highways and streets of the Town of Lancaster by furnishing shade trees, and

WHEREAS, funds have been provided in the current 2004 General Town Budget for the 2004 Tree Planting Program, and

WHEREAS, the Tree Planting Committee of the Town Board has reviewed the Town of Lancaster's Tree Planting Program and recommends the planting of certain species of trees on certain streets in accordance with the official Tree Planting Master Plan of the Town of Lancaster and specifications on file in the Town Clerk's Office in the Town Hall, Lancaster, New York.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That sealed bids be received by the Town Clerk up to 10:00 A.M., Local Time, on February 5, 2004 for meeting the requirements of the Town of Lancaster's 2004 Tree Planting Program and for supplying of trees in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to have a Notice to Bidders and Nurserymen published in the Lancaster Bee, and to have said Notice posted as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004
FILE: RBO TREES (PI)

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS
OR NURSERYMEN**

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk or her designee up to 10:00 A.M., Local Time, on February 5, 2004 at her office in the Town Hall, 21 Central Avenue, Lancaster, New York for meeting the requirements of the Town of Lancaster's Tree Planting Program for the year 2004 in accordance with specifications on file in the Town Clerk's Office.

Each proposal must be accompanied by a check payable to the Town of Lancaster or a bid bond, having as surety thereon a surety company acceptable to the Town Attorney, in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) conditioned that, if the proposal is accepted, the bidder will enter into a contract for the same and that the bidder will execute any such further security as may be required for the faithful performance of the contract.

The Town Board of the Town of Lancaster reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: JOHANNA M. COLEMAN
Town Clerk

January 20, 2004

File: RBOTREES (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, HOMES BY NATALE, INC., 2250 Wehrle Drive, Williamsville, New York 14221, the owner of a parcel of land located at 5067 William Street in the Town of Lancaster, New York, has petitioned the Town Board of the Town of Lancaster for the rezone of said property from a A-R Agricultural Residential District to a MFR-3 Multifamily Residential District Three, and

WHEREAS, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 9th day of February, 2004, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town on January 29, 2004, and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES

January 20, 2004

**LEGAL NOTICE
PUBLIC HEARING
REZONE - 5067 WILLIAM STREET
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, and adopted on 20th day of January, 2004, the said Town Board will hold a Public Hearing on the 9th day of February, 2004 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from a A-R Agricultural Residential District to a MFR-3 Multifamily Residential District Three:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie, State of New York, being part of Lot No. 82, Township 10, Range 6 of the Holland Land Survey (so-called), bounded and described as follows:

COMMENCING at the northwest corner of Lot 82, said point also being the intersection of William Street (formerly Kimble Road) and Lake Avenue; **THENCE** S-89°-26'-38"-E, along the north line of said lot 82, said line also being the centerline of William Street, a distance of 585.50 feet to a point; **THENCE** S-00°-15'-33"-E, a distance of 33.0 feet to a point in the southerly boundary line of the aforementioned William Street, said point also being **THE POINT OR PLACE OF BEGINNING** of the parcel hereinafter described:

THENCE S-00°-15'-33"-E, along the west line of lands conveyed to Joseph Waldmiller by deed recorded in Liber 220 of deeds at page 102, a distance of 1511.90 feet to a point in the north line of Map Cover 2660, said Map cover also known as Michael's Landing Subdivision;

THENCE S-89°-46'-13"-E, along the north line of said Map Cover 2660, a distance of 563.27 feet to a point, said point also being the southeast corner of lands conveyed to George Deck in Liber 225 of deeds at page 328;

THENCE N-00°14'-36"-E, along the east line of said lands conveyed to George Deck, a distance of 1541.56 feet to a point;

THENCE N-89°-26'-38"-W, a distance of 158.40 feet to a point;

THENCE N-00°-14'-36"-E, a distance of 275 feet to a point in the southerly highway boundary line of William Street;

THENCE N-89°-26'-38"-W, along said southerly highway boundary line of William Street, a distance of 418.14 feet to the above described **POINT OR PLACE OF BEGINNING**, containing 18.76 acres be the same more or less.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: JOHANNA M. COLEMAN
Town Clerk

January 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated January 14, 2004, has requested the addition of an additional member to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Twin District Volunteer Fire Company the following individual:

ADDITION:

Frank Schmiegel
13 Cobblestone Court
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

File: RFIRE (P4)

PREFILED RESOLUTION NO. 15 - MEETING OF 1/20/04

Giza/ _____ Authorize Special Use Permit: Onyx Environmental Services LLC
Storage Facility

At the request of Supervisor Giza, this resolution was withdrawn for further
study.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town of Lancaster has received a Community Capital Assistance Program Grant from the Dormitory Authority for the State of New York in the sum of \$90,000 for improvements to the pool and related facilities in Keysa Park, and

WHEREAS, the payments on this grant can now be made in accordance with the Grant Disbursement Agreement upon the Supervisor of the Town of Lancaster executing copies of said agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute the Grant Disbursement Agreement for the Community Capital Assistance Program Grant which is in the sum of \$90,000 for a project involving improvements to the pool and related facilities in Keysa Park.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

File: rcommunitycapitalassistanceprogram104

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster exposed to public bid certain elliptical pipe which he had determined to be surplus property, and

WHEREAS, there were no bids offered for this property, and

WHEREAS, the Highway Superintendent would like to dispose of this pipe as the Highway Department has no use for it;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby resolves that the Highway Superintendent may now dispose of the beforementioned elliptical pipe in the manner in which he sees fit, and, in the event any funds are received for the pipe that those funds are to be turned over to the Supervisor's office for deposit into the appropriate account.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

File: rhighwaydeptellipticalpipe104

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Lancaster Dispatcher Employees Association which is the bargaining unit for the police dispatchers has negotiated an open issue with the Town of Lancaster regarding the pay scale for dispatchers which was adopted with an error at the time the contract was ratified, and

WHEREAS, the parties have now reached an understanding of the correct per annum and hourly rate as would be calculated using the formula within the contract;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute the Memorandum of Agreement which revises the contract, Article IX Compensation, Section 9.01- Wages to accurately reflect the correct per annum and hourly rate for the members of the bargaining unit.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, a legal action has been commenced against members of the Town Board seeking recovery of the funds expended by the Town for the feasibility study on the proposed police court building on Walden Avenue from the Town Board members, and

WHEREAS, the Town Board has been advised that the insurance carrier for the Town's Public Officials Liability insurance coverage has informed the Town that it will not defend the action based upon the carrier's interpretation of the coverage accorded in the policy, and

WHEREAS, Town Board members must be properly defended in this action, and

WHEREAS, the Town Board desires to provide for a defense in this action.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to engage the services of Bouvier & O'Connor LLP, Chris G. Trapp of counsel for purposes of defending this action pursuant to the terms as outlined in the engagement letter from Chris G. Trapp. Esq.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board has been apprised by its insurance carrier for Public Officials Liability, Coregis Insurance, that Coregis Insurance is denying coverage and defense on an action commenced against the members of the Town Board, and

WHEREAS, the Town Board does not agree with the determination made by Coregis Insurance and deems it in the public interest to commence an action to compel the carrier to defend;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to engage the services of Sliwa and Lane for the purposes of pursuing whatever legal action is appropriate to compel the insurance carrier to provide coverage in the lawsuit pursuant to the terms as outlined in the engagement letter provided by Sliwa and Lane.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 6533 to Claim No. 6860 Inclusive

Total amount hereby authorized to be paid: \$433,001.13

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

11412	81 & 3 of Florida Inc	6511 Transit Rd	Er. Comm. Alt.	
11413	Advanced Facilities	6363 Transit Rd	Er. Comm. Add.	
11414	Berghold, Barry J	140 Pavement Rd	Er. Comm. Add.	
11415	Essex Homes of WNY	2 Fox Trace	Er. Dwlg.-Sin.	
11416	Flexlume Sign Corp	6733 Transit Rd	Er. Sign-Wall	
11417	Smith, Daniel	38 Glendale Dr	Dem. Dwlg.	
11418	Forbes Homes Inc	3 Heathrow Ct	Er. Dwlg.-Sin.	
11419	Imperial Homes	6345 Genesee St	Dem. Dwlg.	
11420	Holiday Remodeling	22 Grace Way	Er. Res. Add.	
11421	Marrano/Marc Equity	2 Hillside Pky	Er. Dwlg.-Sin.	
11422	Holler, Craig	5839 Genesee St	Dem. Dwlg & Barn	
11423	Mauer, Charles	208 Central Ave	Er. Shed	(V/L)
11424	English Park Village	338 Harris Hill Rd	Er. Sign-Temp	
11425	Justinger, Paul	5532 Broadway	Er. Sign	(V/L)
11426	Totaro, Dominic	8 Walnut Creek Trl	Er. Shed	
11427	Marrano/Marc Equity	2 Peachtree Ct	Er. Dwlg.-Sin.	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 2004

File: Rbldg2

COMMUNICATIONS & REPORTS:

13. Town Clerk to Various News Media -
Notice to media of Special Meeting of the Town Board, January 5, 2004, to consider the garbage and refuse contract. DISPOSITION = Received & Filed
14. Highway Superintendent to Town Board -
Transmittal of Annual Agreement to Spend Town Highway Funds for 2004. DISPOSITION = Resolution 1/20/04
15. Town Clerk to Town Board -
Transmittal of monthly report for December 2003. DISPOSITION = Received & Filed
16. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, & Stempniak -
Recommendations regarding landscape plan for Kohl's Department Store, 4827 & 4839 Transit Road. DISPOSITION = Planning Committee
17. NYS DOT to Costich Engineering -
Comments regarding site development and storm water management for Kohl's Department Store. DISPOSITION = Planning Committee
18. Erie County Dept. of Environment & Planning to Town Board -
Notice of public hearing, January 27, 2004 at 7:00 P.M. in the Lancaster Town Hall regarding the Consolidated Plan. DISPOSITION = Received & Filed
19. Lancaster Industrial Development Agency to Town Board -
Notice of public hearing, January 22, 2004 at 4:00 P.M. regarding proposed financial assistance for Good Earth Inc. DISPOSITION = Received & Filed
20. Landmark Society of the Niagara Frontier to Supervisor -
Acceptance of invitation to attend Town Board meeting of January 20, 2004 to speak regarding the Hull House. DISPOSITION = Received & Filed
21. Association of Erie County Governments to Town Board -
Notice of meeting to be held January 22, 2004 at 6:30 P.M. in Hamburg, N.Y. DISPOSITION = Town Board
22. Greater Lancaster Museum of Fire Fighting to Supervisor -
Request for financial assistance regarding the proposed firefighter's museum. DISPOSITION = LIDA
23. Erie County Clerk to Supervisor -
Request for adoption of resolution regarding removal of NYS Thruway tolls in metropolitan Buffalo. DISPOSITION = Received & Filed
24. Greater Buffalo-Niagara Regional Transportation Council to Town Board -
Notice of meeting to be held January 14, 2004 at 9:30 A.M. DISPOSITION = Received & Filed
25. General Crew Chief to Supervisor -
Request to upgrade Carmen Ciccarelli and Richard Marino to position of Laborer. DISPOSITION = Resolution 1/20/04
26. Village of Lancaster Office of Emergency Management to Supervisor -
Notice of meeting to be held January 31, 2004 regarding emergency response to railroad incidents. DISPOSITION = Received & Filed
27. Rosemary Colucci Frisina to Supervisor -
Letter regarding problems with home at 10 Hillside Parkway. DISPOSITION = Building Inspector
28. Lancaster Rural Cemetery Association to Supervisor -
Request for financial assistance to maintain cemetery. DISPOSITION = Town Board

29. NYS DOT to Supervisor -
Notice of 2004 Highway Projects within the Town of Lancaster. DISPOSITION = Received & Filed
30. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, Town Engineer -
Notice of SEQR meeting, January 20, 2004 at 6:30 PM to review proposed Columbia Gardens Subdivision and Kulbacki Rezone, Como Park Boulevard. DISPOSITION = Received & Filed
31. Planning Board to Town Board -
Recommend approval of site plan of proposed Kohl's Department, 4827 and 4839 Transit Road with conditions. DISPOSITION = Planning Committee
32. Planning Board to Town Board -
Recommend denial of rezone petition of Homes by Natale, 5067 William Street. DISPOSITION = Planning Committee
33. Planning Board Chairman to Planning Board Members, Town Board, Town Engineer, Town Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held January 7, 2004. DISPOSITION = Received & Filed
34. NYS DEC to Town Board -
Transmittal of notice of proposed additional clean-up work of Scott Aviation hazardous waste site. DISPOSITION = Received & Filed
35. Town Clerk to Various News Media -
Notice to media of SEQR meeting, January 20, 2004 at 6:30 P.M. to review rezone petitions of Theodore Kulbacki and Columbia Gardens Subdivision. DISPOSITION = Received & Filed
36. Donald G. Symer to Town Board -
Letter proposing Town Band Shell. DISPOSITION = Supervisor
37. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, & Stempniak -
Recommendation regarding site plan of Orville's Appliances, Walden Avenue. DISPOSITION = Planning Committee
38. Twin District Fire Company to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 1/20/04
39. Village of Lancaster to Town Board -
Minutes of official meeting held December 8, 2003. DISPOSITION = Received & Filed
40. Village of Lancaster to Town Board -
Minutes of official meeting held December 22, 2003. DISPOSITION = Received & Filed
41. U.S. Senator Charles E. Schumer to Supervisor -
Notice of forum regarding Homeland Security to be held March 8 - 9, 2004. DISPOSITION = Received & Filed
42. NYS Office of Real Property Services to Supervisor -
Notice of eligibility for Maintenance Aid based on 2003 Final Assessment Roll. DISPOSITION = Received & Filed
43. Erie County Department of Environment & Planning to Supervisor -
Notice of denial for Community Development Block Grant funding. DISPOSITION = Received & Filed
44. School Municipal Energy Coop to Town Board -
2003 Natural Gas Savings report through SMEC. DISPOSITION = Received & Filed
45. Town Line Fire Department to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 1/20/04


ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MONTOUR AND SECONDED BY COUNCIL MEMBER STEMPNIAK FOR ADJOURNMENT OF THE MEETING, on roll, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned at 9:35 P.M.

Signed


Johanna M. Coleman, Town Clerk